

Decision No. 22908**ORIGINAL**

BEFORE THE RAILROAD COMMISSION OF THE STATE OF CALIFORNIA.

VICTOR WATER WORKS, a corporation,

Complainant,

vs.

Case No. 2877.

JACOB KNOLL,

Defendant.

Glenn West, for Complainant.

BY THE COMMISSION:

O P I N I O N

Complainant Victor Water Works, a corporation, operating a public utility water system in the unincorporated town of Victor, San Joaquin County, alleges that Jacob Knoll, defendant herein, is operating a public utility water system within the service area established for complainant in Decision No. 21906 on Application No. 16053, said Knoll never having received from this Commission a certificate of public convenience and necessity so to do.

As defendant did not satisfy the complaint nor answer thereto, this matter was set for hearing before Examiner Williams at Lodi on September 5, 1930, and defendant given due notice thereof. At this hearing defendant elected not to appear either personally or by attorney. Glenn West, attorney for complainant, stated that he had communicated with Gumpert & Mazzera of Stockton, attorneys for defendant, and was informed by them that said Knoll

would not defend the action and would yield obedience to whatever order the Commission should promulgate.

E.J. Mettler, secretary of complainant corporation, testified that defendant has a well from which water is pumped into a pressure tank and distributed to nine consumers through several small mains. Each consumer has been paying defendant approximately \$2.00 monthly for this service. He further testified that those consumers are on the mains of complainant and will connect with complainant's mains at any time. All of the consumers and the pumping plant and system are within the exterior boundaries of the service area of complainant company.

The record justifies as a finding of fact that defendant Jacob Knoll is conducting a public utility water system at Victor without valid authority and without filing rates therefor with this Commission as required by law and that said water system and service are illegal invasions of the domain and service area of complainant as fixed legally by this Commission in said Decision No. 21906 on Application No. 16053.

O R D E R

Victor Water Works, a corporation, having filed complaint against Jacob Knoll alleging that defendant is and has been operating a public utility water system at Victor without valid authority of law, a public hearing having been held thereon, the matter having been duly submitted after default of defendant was entered, and the Commission finding herein that the allegations of the complaint are true and that said Jacob Knoll is conducting public utility water service without a certificate therefor as required

by the Public Utilities Act of the State of California,

IT IS HEREBY ORDERED that said Jacob Knoll, defendant herein, shall, on and after October 15th, 1930, cease and desist the conduct of his public utility water system at Victor in delivering water to consumers through mains, or otherwise, for compensation unless and until he shall receive from this Commission proper certificate to so conduct said water system as a public utility for compensation.

IT IS HEREBY FURTHER ORDERED that Victor Water Works, a corporation, be and it is hereby directed to notify each of the consumers now supplied with water by defendant Jacob Knoll that he has been ordered to cease and desist the further delivery of water to each and all of them on October 15th, 1930, and said Victor Water Works shall be prepared to give proper water service to all of said consumers on or before October 15th, 1930.

The effective date of this Order shall be twenty (20) days from the date hereof.

Dated at San Francisco, California, this 26th day of September, 1930.

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Commissioners.